

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re TREMONT SECURITIES LAW, STATE
LAW AND INSURANCE LITIGATION

Master Docket No. 1:08-11117

This Document Relates to:

F. DANIEL PRICKETT,

Plaintiff,

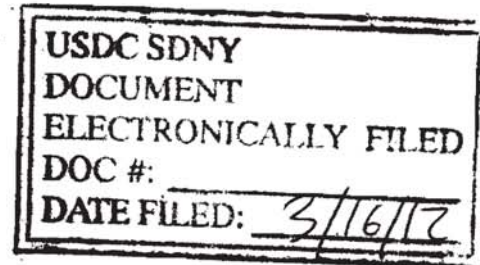
v.

NEW YORK LIFE INSURANCE COMPANY,
NEW YORK LIFE INSURANCE AND
ANNUITY CORPORATION, TREMONT
CAPITAL MANAGEMENT, INC., RYE
INVESTMENT MANAGEMENT,
MASSMUTUAL HOLDING LLC,
MASSACHUSETTS MUTUAL LIFE
INSURANCE CO., OPPENHEIMER
ACQUISITION CORP., RYE
SELECT BROAD MARKET PRIME
FUND L.P., RYE SELECT BROAD
MARKET XL FUND L.P., RYE SELECT
BROAD MARKET INSURANCE
PORTFOLIO, LDC, TREMONT
OPPORTUNITY FUND III, L.P., TREMONT
(BERMUDA) LTD., TREMONT GROUP
HOLDING, INC., and TREMONT
PARTNERS, INC.,

Defendants.

Civil Action No. 1:09-cv-03137 (TPG)

ECF CASE



**STIPULATION AND [PROPOSED] ORDER EXTENDING THE SCHEDULE
FOR BRIEFING OF DEFENDANTS' ANTICIPATED MOTIONS TO DISMISS**

WHEREAS, on August 19, 2011, this Court approved a partial settlement in *In re Tremont Securities Law, State Law and Insurance Litigation*, No. 08-Civ-11117 (TPG) (S.D.N.Y. 2009);

WHEREAS, on October 20, 2011, the Court held a status conference to determine how several cases that remain pending in the above-referenced litigation should proceed;

WHEREAS, on November 14, 2011, the Court entered an Order that, among other things, provided as follows: (i) Plaintiffs shall determine whether they wish to file amended or consolidated complaints in their respective actions, and if they elect to do so, their amended or consolidated complaints shall be filed by December 19, 2011; (ii) Defendants shall file motions to dismiss or answers to the complaints in each action by January 31, 2012; (iii) Plaintiffs shall file opposition papers to the motions by February 29, 2012; and (iv) Defendants shall file replies by March 20, 2012;

WHEREAS, Plaintiff F. Daniel Prickett ("Plaintiff Prickett") filed his Amended Complaint on December 19, 2011;

WHEREAS, Plaintiff Prickett sought a four-week extension of the schedule for the briefing on Defendants' anticipated motions to dismiss;

WHEREAS, Defendants did not oppose Plaintiff Prickett's request; and

WHEREAS, Defendants Rye Select Broad Market Prime Fund L.P., Rye Select Broad Market XL Fund L.P., and Tremont Opportunity Fund III, L.P (the "Fund Defendants") have made no prior requests for an extension of time:

IT IS HEREBY STIPULATED, by and between the undersigned counsel for Plaintiff Prickett and the Fund Defendants, without waiving any rights, defenses, or arguments they may assert, except as set forth below, and subject to the approval of the Court, as follows:

1. The Fund Defendants shall move or otherwise respond to Plaintiff Prickett's Amended Complaint by March 14, 2012;
2. Plaintiff Prickett will not further amend, or file a motion to amend, his Amended Complaint on or before March 14, 2012;

3. Should the Fund Defendants, move to dismiss the Amended Complaint, Plaintiff Prickett shall file his opposition to the Fund Defendants' motions to dismiss thirty (30) days after the Fund Defendants' motion to dismiss is filed; and

4. The Fund Defendants shall file a reply brief fourteen (14) days after Tremont Capital Management, Inc., Rye Investment Management, Tremont (Bermuda) Ltd., Tremont Group Holding, Inc., and Tremont Partners, Inc.'s reply brief is filed.

DATED: February 22, 2012

By: 

MOTLEY RICE LLC
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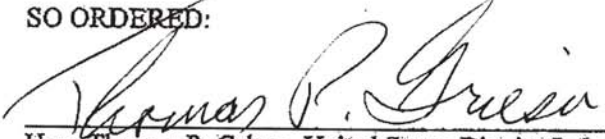
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*Attorneys for Tremont Opportunity Fund
III, L.P., Rye Select Broad Market Prime
Fund L.P., and Rye Select Broad Market
XL Fund, L.P.*

SO ORDERED:


Hon. Thomas P. Griesa, United States District Judge

3/16/12